vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1510 OF 2005
IN
SUIT NO.1746 OF 2000

Kotak Mahindra Finance Limited ... Plaintiff
V/s.
Bhopal Sugar Industries Ltd. ... Defendant
And
Sugar Factory Mazdoor Union ... Applicant
And
M/s.Choice Enterprises ... Respondent

Mr.Bharat Vaishnava for Applicant
Mr.R.S. Jain i/b Legal Juris for Respondent
Mr.Kartikeya Desai for Plaintiff
Mr.H.D. Magar for Defendant
Mr.H.Shaikh, Representative of Court Receiver, present

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **DECEMBER 12, 2005**

P.C.:

. This Chamber Summons has been filed in order to implead the applicant as a party defendant to the suit. The applicant is a trade union of workers who were employed by the defendant. The applicant has sought to be impleaded as a party to the suit NO.1746 of 2000. The applicant claims that it is a necessary party in the suit which has been filed for recovery of leased equipment from the defendant. These equipments constituted a part of the machinery on which the workers performed their work. The applicant contends that unless the equipment remains with the defendant, no work would be provided to the workers and they will not be paid their dues.

2. Several proceedings have been initiated by the

workers in order to prevent recovery of the leased equipment. It appears that on 5.10.2002, this Court had directed that the leased equipment should be handed over to the highest bidder and the Court Receiver was to stand discharged without passing accounts. Thereafter, an application was made by the Union i.e., the Applicant herein before the Madhya Pradesh High Court for an injunction against the Company i.e., the Defendant herein from transferring or disposing any of its assets including the plant and machinery. The Madhya Pradesh High Court has by an order dated 30.9.2005 modified its earlier order and has held that the orders passed by this Court should be given effect to. The Applicant, aggrieved by this order moved the Supreme Court by filing Special Leave Petition No.23214 of 2005. The Supreme Curt by its order dated 25.11.2005 dismissed the Special Leave Petition by observing that the dismissal would not stand in the way of the Petitioner i.e., the applicant herein seeking relief in an appropriate Court.

3. The applicant now seeks to be impleaded as a party to the Suit. In my view, this application cannot be allowed for more reasons than one. The workers will have no right to be impleaded in a suit filed for recovery of leased property from their employer. If they are entitled to any dues on account of their employment with the Defendant, the High Court is not the appropriate forum to agitate their grievance.

4. Chamber Summons is dismissed.